

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4729

IN THE MATTER OF:

Served January 4, 1996

Investigation of Unauthorized)
Operations of SPARTEN TOURS, INC.,)
aka SPARTEN TOURS, SPARTEN BUS)
TOURS, INC., and SPARTEN BUS WORLD)

Case No. MP-96-03

On December 11, 1995, the Commission received copies of several driver time sheets and group charter itineraries obtained by the Federal Highway Administration (FHWA) during an audit of the records of Sparten Tours, Inc., also known as Sparten Tours, Sparten Bus Tours, Inc., and Sparten Bus World. The time records and itineraries were forwarded to the Commission pursuant to a September 28, 1971, cooperative agreement between the Commission and the FHWA under Public Law No. 89-170. These documents indicate that respondent conducted operations within our jurisdiction on some seven occasions during the six month period June 1995 through November 1995.

A carrier may not engage in transportation subject to the Compact without a certificate of authority or temporary authority issued by the Commission.¹ Respondent has no operating authority from this Commission.

Article XIII, Section 1(c), of the Compact provides that the Commission may investigate a carrier to determine whether that carrier has violated the Compact. Article XIII, Section 6(f), provides that a person who knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation and that each day of the violation constitutes a separate violation.

The Commission's records indicate that respondent was aware, or should have been aware, that it could not lawfully operate in the Metropolitan District without operating authority from this Commission. Respondent was granted temporary authority in March 1989.² That authority expired June 9, 1989.³ Respondent applied for charter authority in October 1989. The application was rejected as incomplete, but applicant was informed that the application could be resubmitted upon correction. Respondent reapplied for charter authority in November 1989. The application was rejected again as incomplete, and applicant was informed again that the application could be resubmitted when corrected. Respondent applied for authority

¹ Compact, tit. II, art. XI, §§ 6, 13.

² In re Need for Charter Coach Serv., No. MP-88-37, Order No. 3305 (Mar. 16, 1989).

³ Id. at 2.

once more in March 1991. As before, the application was rejected as incomplete. In February 1993 the Commission wrote to respondent and reminded respondent that a carrier needs a certificate of authority to transport passengers for hire in the Metropolitan District.

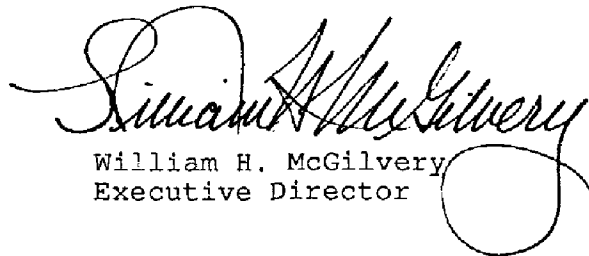
THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's operations in the Washington Metropolitan Area Transit District is hereby instituted under Article XIII, Section 1, of the Compact.

2. That respondent shall have thirty days from the date of this order to show cause why a civil forfeiture should not be assessed with respect to its operations in the Metropolitan District during the six month period June 1995 through November 1995.

3. That respondent may file within 15 days from the date of this order a request for oral hearing, containing reasonable grounds showing good cause to require such hearing, including the evidence to be adduced at such hearing and the reason(s) why such evidence could not be adduced without oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:


William H. McGilvery
Executive Director